MONTANA LEGISLATIVE HISTORY

Chapter 544 1977

Bill H _____ S 329 Original bill & history ____C

H. Committee on Business & Industry			S. Committee on Public Health Welfare & Safety		
Hearing Date(s)	April	✓ C	Hearing Date(s)	Feb 15	✓ C
	April 6	✓ C		Feb 15	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	_____	____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Senate BILL NO. 329

INTRODUCED BY Lackie

BY REQUEST OF THE BOARD OF ARCHITECTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO DESCRIBE THE PURPOSE OF ARCHITECTURE LICENSING LAWS, DEFINE PUBLIC BUILDING, PROVIDE FOR INJUNCTION OF VIOLATIONS OF SUCH LAWS, REVISE THE EXEMPTION PROVISIONS, PROHIBIT OTHER STATE AGENCIES OR POLITICAL SUBDIVISIONS FROM CHARGING ARCHITECT LICENSE FEES, MAKE CLEAR THAT ANY PERSON RENDERING PROFESSIONAL SERVICES ON A PUBLIC BUILDING MUST BE LICENSED TO PRACTICE ARCHITECTURE, AND DELETE THE REQUIREMENT FOR ERRORS AND OMISSIONS INSURANCE; AMENDING SECTIONS 66-103, 66-106, 66-107, 66-110, 66-113, AND 66-114, R.C.M. 1947; AND REPEALING SECTION 66-115, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section that reads as follows:

Purpose. It is hereby declared, as a matter of legislative policy in the state of Montana, that the practice of architecture is a privilege granted by legislative authority and is not a natural right of individuals and that it is necessary, as a matter of such policy and in the interests of the health, safety, and

welfare of the people of Montana, to provide laws covering the granting of that privilege and its subsequent use, control, and regulation for the purpose of protecting the public from the unprofessional, improper, unauthorized, and unqualified practice of architecture.

Section 2. Section 66-103, R.C.M. 1947, is amended to read as follows:

"66-103. Definitions -- examinations for certificates to practice -- granting of certificates -- registration without examination under certain circumstances. (1) Except as provided in this act, no person may practice architecture in this state or use the title "architect" or "registered architect," or any words, letters, figures, or other device indicating or intending to imply that he is an architect, without having qualified under this act.

(2) Unless the context requires otherwise, in this act:

(a) "Practice of architecture" means rendering or offering to render services by consultations, preliminary studies, drawings, specifications, or other service in connection with the design of a building or addition or alteration thereto, whether one or all of these services are performed either in person or as the directing head of an organization.

(b) "Architect" means an individual technically and

legally qualified to practice architecture and who is authorized under this act to practice architecture.

(c) "Building" means a structure intended primarily for human occupancy or use.

(d) "Public building" means any building which the state or any political subdivision thereof maintains for the use of the public or any building where the public has a right to go and be.

~~(d)~~(e) "Board" means the board of architects, provided for in section 82A-1602.3.

~~(e)~~(f) "Department" means the department of professional and occupational licensing, provided for in Title 82A, chapter 16.

(3) A person wishing to practice architecture in this state shall apply to the department for a certificate to do so. A person applying shall have successfully completed the requirement of prerequisites in education, practical experience and a written examination as prescribed by the board in conformance with the standard national council of architectural registration boards examination and grading procedure. After examination the department shall, if the candidate has been found qualified, grant a certificate to the candidate to practice architecture in this state, which may only be granted on the consent of not less than two (2) members of the board, and attested by the secretary, and

have the seal of the board attached. However, an architect holding a valid and current license to practice in another state, territory or country will be granted a certificate to practice in Montana following presentation of a certificate issued by the national council of architectural registration boards and approved by the board. But no arrangement may be made under this section which may lower the standard of practice of architecture in this state. The board may, if considered necessary, require an examination of applicants for a license from other states, after careful consideration of the credentials from those states. The board shall by rule establish methods and procedures for investigation of applicants for a license by reciprocity."

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of not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. Any person convicted a second time for any violation of this act shall be punished by both such fine and imprisonment. The district court shall have jurisdiction of all prosecutions brought hereunder.

(2) Whenever the board of architects has reasonable cause to believe that a person is violating any provision of this act or rule of the board, it may, in addition to the remedies provided in subsection (1) and without prejudice thereto, bring an action in the district court for the county in which the violation is occurring to enjoin such person from continuing to engage in such violation or from doing any act in furtherance thereof."

Section 4. Section 66-107, R.C.M. 1947, is amended to read as follows:

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collective title "architects" or "registered architects."

(b) Nothing contained in this act shall prevent draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this act from acting under the instruction, control, or supervision of their employers, or to prevent the employment of superintendents of the construction, enlargement, or structural alteration of buildings or any appurtenance thereto. Nor shall anything contained in this act be construed to apply to alterations to any building which do not involve changes affecting the structural safety thereof or the public health; nor to prevent the preparation of details and shop drawings by persons, other than architects, for use in connection with the execution of their work; nor to prevent the preparation of drawings or details for fixtures, cabinet work, furniture, or other interior appliances or equipment, or for any work necessary to provide for their installation unless the same involves public health or safety. None of the acts enumerated in this paragraph shall be interpreted or construed as the practice of architecture.

(c) Nothing in this act shall be construed to affect or prevent the following, provided that no words, letters, figures, or other device shall be used in such manner as to tend to convey the impression that the person rendering such

service is an architect duly registered under this act:

1. Consultants, officers, and employees of the United States while engaged solely in the practice of architecture for said government.

2. Professional engineers from performing architectural services which are purely incidental to their engineering practice.

3. Any person from planning, designing, altering, ~~constructing~~, repairing, ~~or~~ supervising, or engaging in ~~construction--of~~ residential construction consisting of less than eight living units regardless of size or cost or farm buildings which are not intended for use or used as a public building.

4. The planning, ~~designs~~ design, alteration, ~~consultation~~ construction, repair, or supervision of construction of a building by its owner if the building is not intended for use or used as a public building."

Section 5. Section 66-110, R.C.M. 1947, is amended to read as follows:

"66-110. Annual fee of licensed architects. (1) A licensed architect in this state who desires to continue the practice of his profession shall annually, during the time he continues in this practice, pay to the department, during the month of July, a fee of ~~twenty-dollars-($20)~~.

(2) The board of architects is vested with exclusive

jurisdiction to issue licenses for the privilege of practicing architecture. No other state agency or political subdivision of the state, including counties and municipalities, may levy any fee or tax for such privilege."

Section 6. Section 66-113, R.C.M. 1947, is amended to read as follows:

"66-113. Architects on public buildings must hold certificate from board. A contract for the employment of or the rendering of professional services by ~~an--architect~~ any person relating to the planning or construction of public buildings or other public works or improvements may not be entered into by this state or its agencies, or a county, city, or school district in this state unless the ~~architect~~ person is the holder in good standing of a certificate granted by the board entitling him to practice architecture in this state."

Section 7. Section 66-114, R.C.M. 1947, is amended to read as follows:

"66-114. Plans for public buildings to have seal and signature of architect--~~insurance----coverage~~. All architectural plans and specifications for public buildings of the state of Montana, or any agency thereof, or of any county, city, or school district of the state, shall bear the seal and signature of the architect responsible therefor.

~~All--architects--shall--have--an--adequate--errors--and omissions--insurance--policy-when-performing-any-supervisory acts-relating-to-the-construction-of-any--public--buildings, works--or-improvements-of-the-state-of-Montana-or-any-agency thereof,-or-of-any-county,-city-or-school--district--of--the state--and--such--insurance--shall-be-in-force-for-three-(3) years-after-the-completion-of-the-public--buildings,--works, or-improvements."~~

Section 8. Repealer. Section 66-115, R.C.M. 1947, is repealed.

-End-

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

February 15, 1977

The sixteenth meeting of the Public Health, Welfare and Safety Committee began at approximately 11:00 A.M. on the above date, called to order by Chairman Stan Stephens in Room 405 of the State Capitol Building, Helena, Montana.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 329: Chairman Stephens turned the meeting over to Senator Roskie, sponsor of the above bill which is a proposed revision of architects' registration law. The Senator from Great Falls explained his bill which would, he said, improve the statute by making it a little more definitive in some sections, plus the elimination of the one section would improve the operation of the Board. The Senator testified that Mr. Karney of the Board of Occupational Licensing has knowledge of SB329 and has not particular problems with it. Senator introduced Marty Crennen of the Board of Architects as his first witness.

Marty Crennen briefly went into the points that would modify the registration law. Over a period of time, Mr. Crennen said, the complaints they received pointed out the weaknesses in the present law and the loopholes. The primary weaknesses were: (1) lack of definition of the term, "public buildings" and (2) those kinds of buildings that are designed without the benefit of licensed people, whether they be an architect or an engineer, (see Exhibit "A").

W. J. Bennington, architect from Billings, testified in support of the bill. He explained the reasons why architects are asking for the legislation. Bennington also covered the problem of "adequate" liability insurance, now demanded in the law. Mr. Bennington said the architects feel this should be taken out and then be negotiated when contracts are awarded.

Bill Zuccain was introduced by Senator Roskie. The Great Falls architect would accept questions from the Committee if needed.

Adding to his testimony, Mr. Crennen said that building departments in municipalities and the State are in real need of some support from licensing boards in some instances because they have been and are being asked to approve plans for buildings of any description which are presently being prepared by non-licensed people. In essence, they are putting their necks on the line by either expressed or implied approval of these plans which may or may not be properly designed, but are certainly wihout benefit of professional licensing.

To which Senator Olson addressed his first question upon conclusion of witnesses' testimony. Senator asked if, with the proposed legislation, he or anyone could still design and build his own home without the service of an architect - the answer was affirmative.

The hearing was concluded on Senate Bill 329, with NO ACTION being taken.

CONSIDERATION OF SENATE BILL 365: Senator Roberts presented this bill, saying he was carrying it at the request of the SRS. The Senator from Libby introduced Pat Melby of the Social & Rehabilitation Services, who had further testimony.

Pat Melby testified that two sub-sections were left out of the proposed legislation. He handed out amendments to the Committee to take care of the omission (see Exhibit "B). Melby said the Department is embarking on an ambitious program of trying to limit the amount of funds paid under Medicaid and also to try to recover funds paid under Medicaid where a third party may be liable for those actual costs.

Richard Weber, also of the SRS, testified next. He explained the Department's need for this bill (see Exhibit "C"). Weber provided a detailed explanation of the different sections.

Chad Smith, lobbyist for the Montana Hospital Association, then testified in opposition of the proposed bill. Smith offered amendment (see Exhibit "D") and said that if those amendments were written into the proposed legislation, his group would support it.

The hearing was concluded and the Committee turned to questioning the witnesses.

The main thrust of the questioning was directed to the problems between the hospitals' needs and the SRS' needs - the hospitals are having problems collecting their monies through Medicaid now; they are concerned about the State being first in line in subrogation.

Senator Roberts asked Mr. Smith if Smith was trying to preserve the right to subrogation (through his amendments) and the answer was affirmative.

Mr. Melby reiterated that all the State can or hopes to recover through this legislation are the funds the State spent on that welfare patient, nothing over and above that. He added that the Department should not be put in the position of collection for the hospitals.

Chairman Stephens closed the hearing on SB365, with NO ACTION being taken.

Before adjourning, the Chairman reminded the Committee that action would be taken on SB341, 399, 246 and 269 Thursday, as well as

E X H I B I T "A"

PROPOSED REVISION OF ARCHITECTS REGISTRATION LAW 1-21-77
By: Montana Board of Architects

In the interests of providing the Board with adequate legal tools with which to deal effectively with complaints of unauthorized or illegal practices, we are proposing certain modifications of our Registration Law. Licensing Boards are generally being held more accountable for "keeping their house clean", and we have been made aware of inadequacies in our own laws which make it extremely difficult to prevent illegal or shoddy practice.

A statement of the purpose of the act has never been included, and we propose to make such provision in this act. Other specific change found in the bill may be substantiated as follows:

66-103 "Public Building" not defined in this section of law at present time, and there is some confusion that public buildings are only those which are public funded. The proposed definition is that contained in section 69-2105, RCM (14).

66-106 Present penalty for violations of this act consists of a nominal fine or an unlikely jail sentence. A more practical means of stopping an act of violation, and one commonly used by regulatory agencies, is that of injunction.

66-108 "(c)3": Present language leaves much to individual interpretation, and limitation should be stipulated to prevent design and construction of multi-story or complicated projects by unqualified people. Larger structures such as apartments, motels, etc. become quasi-public buildings.

66-107 "(c)4": Intent is to assure that public safety is provided in buildings used by public.

66-110 State of Montana is only regulating agency of architects, therefore should be only one with power to license.

66-113 Present language is redundant and revision is simply better grammatically.

66-114 Law requiring architects to carry liability insurance is not necessarily protecting state. No amounts are prescribed, so large project may be inadequately covered. Liability question is in limbo for many professions at this time. Better solution for architect projects would be specific coverage for project and all concerned with project as a project cost. Would likely supplement basic policy. Currently all architects renew annually - can't comply with letter of law. Not available any other way.

66-115 Payment schedule is obsolete, and also is only permissive. State A/E contracts spell it out.

The decision to wait to take action on SB355 was made by the Committee due to the discussion on this bill. Senator Lee and Senator Rasmussen expressed concern over a section of the bill dealing with dispensing "devices". Following Senator Rasmussen's amendment to deal with the above matter, Senator Roberts asked the Committee to wait until HB544, which deals with the same problems, comes over and the Committee could work with that bill. It was agreed to wait.

Senator Lee requested the Committee to wait to take action on SB427 until Tuesday, to give Mr. Taylor, Legislative Council Researcher, the opportunity to contact the witnesses (opponents) for the Press Association for further input and also to ascertain whether the opposing witnesses met to work out an amendment.

CONSIDERATION OF SB246 brought a verbal report from Senators Roberts and Olson. The Senators talked with SB246 sponsor, Senator Lowe - Senator Lowe requested, due to the two similar bills in Judiciary Committee, SB246 be held in Public Health Committee with no action. The problem SB246 addresses will be taken care of in other committees. Committee accepting report, NO ACTION taken

ACTION ON SENATE BILL 365: Discussion before voting brought out amendments (Page 1, Line 20, Following: "subrogated" - Page 6, Line 21, Following: "subrogated" - Page 9, Line 15, Following: "subrogated" - Insert: "after the providers of medical services") presented to the Committee February 17 by Chad Smith. Senator Lee made the motion to move these amendments - by a roll call vote, motion failed, 4 No, 3 Yes (one Senator absent). Senator Roberts moved attached amendments (see Exhibit "A") - by a voice vote, motion carried. Senator Roberts then moved SB365, AS AMENDED, DO PASS - motion carried, 7 Yes, (one Senator absent).

ACTION ON SENATE BILL 329: Following Senator Lee's motion SB329 DO NOT PASS, discussion followed - Senator Olson then made a substitute motion SB329 DO PASS - motion carried, 6 Yes, 1 No (one Senator absent).

ACTION ON SENATE BILL 425: Following a short discussion, Senator Olson moved Senate Bill 425 DO PASS - motion carried unanimously, all present voting yes.

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting at 11:55 A.M.

STAN STEPHENS, Chairman

STANDING COMMITTEE REPORT

February 19 77

MR. PRESIDENT

We, your committee on PUBLIC HEALTH

having had under consideration SENATE Bill No. 329

Respectfully report as follows: That SENATE Bill No. 329

DO PASS

SENATOR STAN STEPHENS Chairman.

STATE PUB. CO.

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date 2/9 Bill No. 329 Time 11:

NAMES:	YES	NO	
LEE, Robert		1	L
RASMUSSEN, Tom	1		R
OLSON, Stuart	2		O
HIMSL, Matt	3		H
WATT, Robert	4		W
ROBERTS, Joe	5		R
NORMAN, Bill - V. Chm.	absent		N
STEPHENS, Stan - Chairman	6		S

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: SUBSTITUTE MOTION BY SENATOR OLSON

DO PASS SB329.

HOUSE BUSINESS AND INDUSTRY COMMITTEE

April 1, 1977

The meeting was called to order at 10:15 a.m., in Room 431 with all members present with the exception of Rep. Bradley, who was excused.

The hearing began with Senate Bill No. 125. Sen. Regan, chief sponsor stated that bonds, generally speaking, simply do not perform the function which they were originally intended to do. Bonds are suppos to be a protection to the consumer, but research finds they do not do the job.

Proponents:

Mr. Ed Carney stated that it was a step forward for the drafting of this bill. During four and one-half years he had been working with people affected by this bill in which he had not seen any attempt wh the bond actually protected the public. He stated that an amount of $150,000 per year was spent on this bonding. He also said that the bonding requirement is preventing many young people from getting int business. Mr. Floyd Oliver stated he had not received a claim on a l

Opponents:

Mr. Glen Drake stated that the Insurance Association consists of 80 stock companies and includes groups of people doing bonding work. Th bill as originally written, provided for a fund to be created which would take the place of the bond. Bonding requirements are created for the protection of the public. He said that the bonding requireme are taking away all protection.

Mr. Bob Durand stated that if this bill goes through there would be no protection for the public. He said he thought that a bonding company would be interested in issuing bonds in Montana.

Mr. Boyce Clarke stated that some license bonds are strictly underwritten. Bonding companies should be permitted to bond. This bill would harm the consumer.

Sen. Regan stated in closing that in the last 4 years there has not be a single bond used for this. One could not get any of the trades bonded. The question about the consumer protection was raised. She stated that if a person feels he has suffered damages, he can apply to the county attorney.

Senate Bill No. 329 was discussed. Sen. Roskie, sponsor, stated that when there is an inadequacy in the law, it should be contended with. He gave a brief explanation of the bill. He also stated that it is almost impossible to receive a license one year at a time (testimony attached).

Mr. Marty Crennan, proponent, stated that the bill originated due to inadequacies. It will provide some teeth and gives better power in responding to complaints which they had received.

Mr. Sonny Hanson also expressed his support in the measure.

Senate Bill No. 245 was discussed. Sen. Murray, sponsor, stated th the main intent is contained in the title of the bill (testimony attached).

Mr. Bob Gannon, proponent, stated various incidences where this law would be beneficial (testimony attached).

Mr. Peter Paully expressed his support in the bill.

Mr. Jim Hughes also concurred with the previous proponents along wi Mr. Everett Shuey and Mr. Gene Phillips.

Mr. Jeff Brazier stated that in view of the comments, there is a hi behind it. He proposed an amendment for additional cleaning-up of the bill.

Mr. Rob Smith stated that the PSC is ambivalent about this bill bec most of the legal staff has not been there long enough to know what happens. He gave an example of what could happen if this bill shou go into effect. The Commission would be bogged down on the tempora increases. The Commission should have some sort of absolute discret

Sen. Murray stated in closing that from his standpoint he agrees on the suggestion that the word "an" on page 3, line 10 should be stric Then make the word "increase" plural.

Senate Bill No. 362 was discussed. Rep. Tropila, representing Sen. Devine, gave a brief explanation of the bill (testimony attached).

Mr. Rob Smith stated that Congress is in progress of changing the filing times under the ICC.

Mr. Gorham Swanberg submitted amendments (attached).

Mr. Jeff Brazier, opponent, stated that it is not true that people d oppose decreases. Competing modes of transportation of shippers. Most of the increases in Montana are generally rate increases. The purpose of the proposed amendments is to speed up the process of the state agency.

There was some discussion on the matter.

House Bill No. 837 was discussed. Rep. Brand, sponsor, said the bill was introduced on behalf of the small businessmen in this area. By allowing another month and increasing the license by 10%, it will not hurt anything.

The committee then went into executive session.

HOUSE BUSINESS AND INDUSTRY COMMITTEE

April 6, 1977

The meeting was called to order at 10:40 a.m., in Room 431. All members were present with the exception of Rep. Fagg who was abse

Chairman Vincent stated that Senate Bill No. 206 was involved wit procedural question. The committee had indefinitely postponed th then voted to bring it back on the table. That motion was defeat Chairman Vincent asked the committee to comment on what they shou do with the bill. Rep. Kenny said he believed the committee shou keep the bill indefinitely postponed. Rep. Harper said someone f the floor could blast it out of the committee rather than taking on the bill in the committee. The bill was left as indefinitely postponed.

Rep. Harper moved that Senate Bill No. 107 BE CONCURRED IN. The was carried with 10 members voting yes, 6 members voting no (atta

Rep. Scully moved that Senate Bill No. 125 BE CONCURRED IN. Rep. pila made a substitute motion that Senate Bill No. 125 be amended He proposed to amend the title, line 13, following, "SECTIONS 66- insert, "41-2005,". Also, on page 7, line 24, following, "Sectio 66-1934", insert, "41-2005,". The motion was carried with 8 membe voting yes, 7 members voting no (attached). Rep. Tropila moved t Senate Bill No. 125 BE CONCURRED IN AS AMENDED. The motion carri with all members present voting yes, with the exception of Rep. H and Rep. Bradley who voted no.

Rep. Aageson moved that Senate Bill No. 245 BE CONCURRED IN. Rep. Quilici made a substitute motion to adopt an amendment. He propos to amend page 3, line 10, following, "approve", strike, "an incre and inserting, "increases". The motion was carried with 11 membe voting yes, and 5 members voting no (attached). Rep. Scully move that Senate Bill No. 245 BE CONCURRED IN AS AMENDED. The motion unanimously.

Rep. Harper moved that Senate Bill No. 329 BE CONCURRED IN. Rep. Fabrega made a substitute motion to amend the title, line 12, fol "ARCHITECTURE, AND", strike, "DELETE", and insert, "REVISE". The substitute motion passed with all members voting yes, with the exc of Rep. Scully who voted no. Rep. Harper moved that Senate Bill N BE CONCURRED IN AS AMENDED. The motion was carried with all membe present voting yes, with the exception of Rep. Nathe who voted no.

Rep. Tropila moved that Senate Bill No. 362 BE NOT CONCURRED IN. motion passed with all members present voting yes, with the except of Rep. Scully and Rep. Harper who voted no.

Rep. Pistoria spoke on House Bill No. 446. House Bill No. 238 was defeated in the Senate, therefore, Rep. Pistoria felt a strong nee for this bill to be taken off the table and be recommended do pass Rep. Fabrega moved that House Bill No. 446 be taken off the table recommended DO PASS. The motion carried with 10 members voting ye and 5 members voting no (attached).

SENATE BILL NO. 329

INTRODUCED BY ROSKIE

BY REQUEST OF THE BOARD OF ARCHITECTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO DESCRIBE THE PURPOSE OF ARCHITECTURE LICENSING LAWS, DEFINE PUBLIC BUILDING, PROVIDE FOR INJUNCTION OF VIOLATIONS OF SUCH LAWS, REVISE THE EXEMPTION PROVISIONS, PROHIBIT OTHER STATE AGENCIES OR POLITICAL SUBDIVISIONS FROM CHARGING ARCHITECT LICENSE FEES, MAKE CLEAR THAT ANY PERSON RENDERING PROFESSIONAL SERVICES ON A PUBLIC BUILDING MUST BE LICENSED TO PRACTICE ARCHITECTURE, AND ~~DELETE~~ REVISE THE REQUIREMENT FOR ERRORS AND OMISSIONS INSURANCE; AMENDING SECTIONS 66-103, 66-106, 66-107, 66-110, 66-113, AND 66-114, R.C.M. 1947; AND REPEALING SECTION 66-115, R.C.M. 1947."

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REFERENCE BILL

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~~(d) "Public building" means any building which the state or any political subdivision thereof maintains for the use of the public or any building where the public has a right to go and be.~~

~~(d)~~(e) "Board" means the board of architects, provided for in section 82A-1602.3.

~~(e)~~(f) "Department" means the department of professional and occupational licensing, provided for in Title 82A, chapter 16.

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have the seal of the board attached. However, an architect holding a valid and current license to practice in another state, territory or country will be granted a certificate to practice in Montana following presentation of a certificate issued by the national council of architectural registration boards and approved by the board. But no arrangement may be made under this section which may lower the standard of practice of architecture in this state. The board may, if considered necessary, require an examination of applicants for a license from other states, after careful consideration of the credentials from those states. The board shall by rule establish methods and procedures for investigation of applicants for a license by reciprocity."

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(2) Whenever the board of architects has reasonable cause to believe that a person is violating any provision of this act or rule of the board, it may, in addition to the remedies provided in subsection (1) and without prejudice thereto, bring an action in the district court for the county in which the violation is occurring to enjoin such person from continuing to engage in such violation or from doing any act in furtherance thereof."

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"66-107. Registration limited to individuals -- employees of architects entitled to practice under supervision -- exceptions -- exemptions. (a) No firm, company, partnership, association, corporation or other similar organization shall be registered as an architect. Only individuals shall be registered as architects but a number of architects constituting a firm may use the

collective title "architects" or "registered architects."

(b) Nothing contained in this act shall prevent draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this act from acting under the instruction, control, or supervision of their employers, or to prevent the employment of superintendents of the construction, enlargement, or structural alteration of buildings or any appurtenance thereto. Nor shall anything contained in this act be construed to apply to alterations to any building which do not involve changes affecting the structural safety thereof or the public health; nor to prevent the preparation of details and shop drawings by persons, other than architects, for use in connection with the execution of their work; nor to prevent the preparation of drawings or details for fixtures, cabinet work, furniture, or other interior appliances or equipment, or for any work necessary to provide for their installation unless the same involves public health or safety. None of the acts enumerated in this paragraph shall be interpreted or construed as the practice of architecture.

(c) Nothing in this act shall be construed to affect or prevent the following, provided that no words, letters, figures, or other device shall be used in such manner as to tend to convey the impression that the person rendering such

service is an architect duly registered under this act:

1. Consultants, officers, and employees of the United States while engaged solely in the practice of architecture for said government.

2. Professional engineers from performing architectural services which are purely incidental to their engineering practice.

3. Any person from planning, designing, altering, ~~constructing~~, repairing, ~~or~~ supervising, or engaging in ~~construction of~~ residential construction consisting of less than eight living units regardless of size or cost or farm buildings which are not intended for use or used as a public building.

4. The planning, ~~designs~~ design, alteration, ~~consultation~~ construction, repair, or supervision of construction of a building by its owner if the building is not intended for use or used as a public building."

Section 5. Section 66-110, R.C.M. 1947, is amended to read as follows:

"66-110. Annual fee of licensed architects. (1) A licensed architect in this state who desires to continue the practice of his profession shall annually, during the time he continues in this practice, pay to the department, during the month of July, a fee of ~~twenty dollars ($20)~~.

(2) The board of architects is vested with exclusive

jurisdiction to issue licenses for the privilege of practicing architecture. No other state agency or political subdivision of the state, including counties and municipalities, may levy any fee or tax for such privilege."

Section 6. Section 66-113, R.C.M. 1947, is amended to read as follows:

"66-113. Architects on public buildings must hold certificate from board. A contract for the employment of or the rendering of professional services by ~~an architect~~ any person relating to the planning or construction of public buildings or other public works or improvements may not be entered into by this state or its agencies, or a county, city, or school district in this state unless the ~~architect~~ person is the holder in good standing of a certificate granted by the board entitling him to practice architecture in this state."

Section 7. Section 66-114, R.C.M. 1947, is amended to read as follows:

"66-114. Plans for public buildings to have seal and signature of architect ~~insurance coverage~~ INSURANCE COVERAGE. All architectural plans and specifications for public buildings of the state of Montana, or any agency thereof, or of any county, city, or school district of the state, shall bear the seal and signature of the architect responsible therefor.

~~All--architects--shall--have--an--adequate--errors--and omissions--insurance--policy-when-performing-any-supervisory acts-relating-to-the-construction-of-any--public--buildings, works--or-improvements-of-the-state-of-Montana-or-any-agency thereof,-or-of-any-county,-city-or-school--district--of--the state--and--such--insurance--shall-be-in-force-for-three-(3) years-after-the-completion-of-the-public--buildings,--works, or--improvements.~~ EACH CONTRACT FOR ARCHITECTURAL SERVICES FOR PUBLIC BUILDINGS OF THE STATE OF MONTANA, ANY AGENCY THEREOF, ANY COUNTY, CITY, SCHOOL DISTRICT, OR OTHER SUBDIVISION OF THE STATE SHALL REQUIRE ERRORS AND OMISSIONS INSURANCE FURNISHED BY THE ARCHITECT. THE AMOUNT AND DURATION OF THE COVERAGE SHALL BE DETERMINED ON EACH CONTRACT FOR SERVICE BY AN AUTHORIZED AGENT OF THE CONTRACTING AUTHORITY AND THE COST INCLUDED IN THE CONTRACT."

Section 8. Repealer. Section 66-115, R.C.M. 1947, is repealed.

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